SEP 2 0 2007

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

LEON MARTIN, Petitioner,) Civil Action No. 7:07-cv-00436
v.	FINAL ORDER
GENE JOHNSON, DIRECTOR, Respondent.) By: Hon. James C. Turk) Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that this action, filed as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, is hereby **CONSTRUED AND DISMISSED** as a successive petition for habeas corpus, pursuant to 28 U.S.C. § 2254, and is hereby stricken from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to petitioner.

ENTER: This _30 day of September, 2007.

Senior United States District Judge